

Remarks:

The Examiner has required a restriction and election of species between Figure 11 and Figure 13, alleging that Figures 11 and 13 show separate and distinct species. Applicant respectfully traverses this requirement for restriction. The Examiner failed to identify a subclass distinction which would require separate searches.

Moreover, the Examiner's remarks as to likely different non-prior art issues under 35 USC §101 and/or 35 USC §112, first paragraph, is further respectfully traversed. For a §101 issue to arise, the structures of one or both of the two figures would have to show non-patentable subject matter, or would have to show identical patentable subject matter. For a §112, first paragraph, issue to arise the specification would have to inadequately describe the structure of one or both of the two figures.

The Examiner has admitted that claim 1 is generic. The groups of claims specific to the two figures, i.e., claim 3 (Figure 11) and claims 4, 5, and 6 (Figure 13), each depend from at least claim 1. To raise a requirement for restriction at this time without rejecting either claims 1 or 2 places an undue burden on the applicant.

Applicant has elected Figure 13 and claims 4, 5, and 6, under traversal, in addition to claims 1 and 2 which are generic. Applicant reserves the right to reinsert claim 3 into the application should a generic claim be allowed.

The Examiner has raised a deficiency in the Terminal Disclaimer filed on August 13, 2007 with the requisite fee.

A replacement terminal disclaimer executed by John F. McNulty, listed on the power of attorney, is being filed herewith. It is believed that no additional fee is due as a Terminal Disclaimer Fee was paid on August 13, 2007.

No additional fees are believed to be required. In the event that an additional fee is required with respect to this communication, the Commissioner is hereby authorized to charge

any additional fees, or credit any overpayment, to Paul & Paul Deposit Account No. 16-0750.
(order no. 5586)

Respectfully submitted,
Paul & Paul

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CERTIFICATE OF EFS-WEB ELECTRONIC TRANSMISSION

I hereby certify that the foregoing correspondence is being transmitted by electronic filing before the eBusiness Center of the United States Patent and Trademark Office, at www.uspto.gov, using the Electronic Filing System (EFS-Web), on the date written below.

on November 20, 2007
(date)

PAUL & PAUL
by: John J. Simkanich

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